

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LESLIE RUDY,	:	
	:	
Plaintiff,	:	Case No. 3:10CV093
	:	
vs.	:	
	:	District Judge Thomas M. Rose
MICHAEL J. ASTRUE,	:	Magistrate Judge Sharon L. Ovington
Commissioner of the Social	:	
Security Administration,	:	
	:	
Defendant.	:	

DECISION AND ENTRY

The Court has conducted a *de novo* review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #11), to whom this case originally was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections has expired, hereby **ADOPTS** said Report and Recommendations.

IT THEREFORE IS **ORDERED** THAT:

1. The ALJ's decision is VACATED;

2. No finding is made regarding whether Plaintiff is under a “disability” within the meaning of the Social Security Act;
3. This matter is REMANDED to the Social Security Administration pursuant to Sentence Four of 42 U.S.C. § 405(g) for further proceedings consistent with this Report and Recommendations and with any decision adopting this Report and Recommendations; and
4. The case is TERMINATED on the docket of this Court.

February 9, 2011

**s/THOMAS M. ROSE*

Thomas M. Rose
United States District Judge